

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

JOSEPH G SIMMONS JR,

Plaintiff,

V.

DEBORAH J WOFFARD et al.,

## Defendants.

CASE NO. C11-05999-BHS-JRC

ORDER GRANTING APPLICATION  
TO PROCEED IN FORMA  
PAUPERIS AND DIRECTING  
INSTITUTION TO CALCULATE,  
COLLECT, AND FORWARD  
PAYMENTS

The Court has reviewed plaintiff's application to proceed in forma pauperis. Plaintiff alleges by letter that he is unable to obtain a copy of his six month prison account statement (ECF No. 3). If the defendants wish to contest this grant of in forma pauperis status they may submit the missing document as part of that motion. The Court does hereby find and ORDER,

(1) Plaintiff's declaration indicates he is unable to afford the court's filing fee or give security therefore. Accordingly, plaintiff's application to proceed as a pauper is **GRANTED**.  
**As set forth below, an initial partial filing fee will be collected, and plaintiff is required to**

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1 **make monthly payments of 20 percent of the preceding month's income credited to his/her**  
2 **account until the full amount of the filing fee is satisfied.**

3 (2) Pursuant to 28 U.S.C. § 1915 and plaintiff's approved application to proceed in  
4 forma pauperis, the agency having custody of the above named plaintiff is directed to calculate  
5 an initial partial filing fee equal to 20 percent of the greater of -- the average monthly deposits to  
6 the prisoner's account or the average monthly balance in the prisoner's account for the 6-month  
7 period immediately preceding the date of this Order. The initial partial filing fee should be  
8 forwarded to the court clerk as soon as practicable.

9 Subsequently, if the prisoner's account exceeds \$10.00, each month the agency is  
10 directed to collect and forward payments equal to 20 percent of the prisoner's preceding month's  
11 income credited to the prisoner's account. In the event that the monthly payment would reduce  
12 the prisoner's account below \$10.00, the agency should collect and forward only that amount  
13 which would reduce the prisoner's account to the \$10.00 level. Please note that this \$10.00 limit  
14 does not apply to the initial partial filing fee described above. Finally, the monthly payments  
15 should be collected and forwarded to the court until the entire filing fee (\$350.00) for this matter  
16 has been paid.

17 (3) The Clerk is directed to send plaintiff a copy of this Order and the General Order,  
18 and a copy of this Order along with a copy of plaintiff's Acknowledgment and Authorization  
19 portion of the IFP application to the Prison Litigation Reform Act ("PLRA") contact person, the  
20 inmate account manager at the Washington Department of Corrections.

21 Dated this 12th day January, 2012.

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24 J. Richard Creatura  
United States Magistrate Judge